

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TREAUNA L. TURNER,

Plaintiff,

v.

PALLARES, *et al.*,

Defendants.

Case No. 1:21-cv-01721-JLT-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION  
REQUESTING RESPONSE RE: MOTION  
FOR EXTENSION OF TIME AND  
GRANTING IN PART EXTENSION OF  
TIME TO FILE OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS

(ECF No. 35)

ORDER SETTING DEADLINE FOR  
DEFENDANTS TO FILE REPLY BRIEF IN  
SUPPORT OF MOTION TO DISMISS

**FOURTEEN (14) DAY DEADLINE**

Plaintiff Treauna L. Turner ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Showalter and Mitchell for deliberate indifference to medical care in violation of the Eighth Amendment and against Defendants Showalter, Mitchell, and Freeman for negligence (medical malpractice).

On March 14, 2023, Defendants filed a motion to dismiss Plaintiff's state law claims for failure to comply with the Government Claims Act. (ECF No. 30.) Plaintiff's opposition or other response was therefore due on or before April 7, 2023. Local Rule 230(l); Fed. R. Civ. P. 6(d).

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1 On April 17, 2023, Plaintiff filed a motion requesting a response to her previously-filed  
2 motion requesting a ninety-day extension of time to file her opposition to Defendants' motion to  
3 dismiss, and renewing her request for a ninety-day extension of time. (ECF No. 35.) The motion  
4 is dated April 11, 2023. (*Id.*) The same date, Defendants filed a statement of non-opposition to  
5 Plaintiff's request for an extension of time. (ECF No. 36.) The Court also received Plaintiff's  
6 opposition to the motion to dismiss, dated April 12, 2023. (ECF No. 37.)

7 The Court did not receive Plaintiff's earlier-filed request for an extension of time.  
8 However, in light of Plaintiff's renewed request and Defendants' statement of non-opposition, the  
9 Court finds good cause to grant, in part, the requested extension of time. Although Plaintiff  
10 argues in her motion that she does not have the necessary access to her medical records or to the  
11 law library at her institution to fully oppose the motion to dismiss, based on a review of the  
12 submitted opposition, it appears Plaintiff has obtained the necessary resources to file a complete  
13 opposition to the motion to dismiss. Plaintiff's request for extension of time is therefore granted  
14 up to the date the opposition was filed, and the opposition is accepted as timely filed. Defendants  
15 may now submit a reply brief pursuant to the Court's order.

16 Accordingly, it is HEREBY ORDERED that:

- 17 1. Plaintiff's motion for an extension of time to file her opposition to Defendants' motion to  
18 dismiss, (ECF No. 35), is GRANTED IN PART;
- 19 2. Plaintiff's opposition to Defendants' motion to dismiss, (ECF No. 37), is ACCEPTED as  
20 timely filed; and
- 21 3. Defendants' reply, if any, SHALL be filed within **fourteen (14) days** from the date of  
22 service of this order.

23 IT IS SO ORDERED.  
24

25 Dated: April 18, 2023

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
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